

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

YEN CHAM YUNG

No. 20 CR 231

Rebecca R. Pallmeyer
Chief Judge

**GOVERNMENT'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO RETURN INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)**

The UNITED STATES OF AMERICA, by its attorney, JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully moves this Court, without opposition from counsel for defendant, pursuant to 18 U.S.C. § 3161(h)(7)(A), for a 62-day extension of time, to and including September 17, 2020, in which to seek the return of an indictment against defendant YEN CHAM YUNG, for the following reasons:

1. On May 12, 2020, District Judge Robert M. Dow, Jr. (acting as emergency judge) issued a complaint and arrest warrant charging defendant with unlawful retention of national defense information and government in property, in violation of Title 18, United States Code, Sections 793(e) and 641. Defendant was arrested on June 17, 2020, in Colorado. Defendant had an initial appearance in Colorado on June 22, 2020. Defendant was released on bond on June 23, 2020, and had his initial appearance in this district on June 30, 2020. Defendant remains on bond.

2. The charges in this investigation are sensitive and the investigation is complex. The government is conducting a diligent investigation into this case, but certain factors have led to the government's request for an extension of time to indict. Those factors are stated in the Attachment hereto, which the government respectfully requests be placed under seal and filed *ex parte*. The government is requesting that the Attachment be sealed and filed *ex parte* so as not to compromise its ongoing investigation and so as not to reveal matters occurring before the Grand Jury.

3. The United States estimates that one 62-day extension from the current indictment deadline of July 17, 2020, to and including September 17, 2020, will be sufficient time within which to return an indictment in this matter.

4. Among the factors identified by Congress as relevant to the determination whether time should be extended for indictment are those set forth in 18 U.S.C. § 3161(h)(7)(B), which provide in relevant part:

Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution... that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

Whether, in case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(7)(B)(ii), (iii), and (iv).

5. The government respectfully submits that one 62-day continuance is warranted in this complex case pursuant to the forgoing provisions. The government has been conducting a diligent and thorough investigation in this case, but the investigation concerns a complex matter involving the review of a significant number of devices seized from defendant's home, among other open issues. Due to the complex nature of this investigation, the government cannot complete its investigation and appropriately conclude the investigation within the time allowed under Section 3161(b) of the Speedy Trial Act.

6. Counsel for defendant represented that he does not object to this motion.

WHEREFORE, the United States respectfully requests one 62-day extension of time from July 17, 2020, to and including September 17, 2020, in which to seek an indictment in this case.

Dated: July 13, 2020

Respectfully submitted,

JOHN R. LAUSCH, JR.
United States Attorney

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